

DRAFT MINUTES OF THE PUBLIC BOARD MEETING
OF THE ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY

June 24, 2006

BOARD MEMBERS PRESENT: Murray Cohen, D.O.; David Steinway, D.O.; Arlene England, D.O.; Andrew Becke

BOARD MEMBERS ABSENT: Board President Martin Reiss D.O.; Vice-President Stanley Grossman; Dr. Wedel were excused from the meeting

STAFF / OTHERS PRESENT: Jack Confer, Executive Director
Barbara Meyers, Deputy Director
Blair C. Driggs, Assistant Attorney General
Barbara Prah-Wix, D.O., Medical Consultant
John O'Hair-Shattenberg, Investigator
Thea Johnson, Secretary

1. **CALL TO ORDER by Jack Confer, Executive Director. – 8:01 a.m.**

2. **ROLL CALL AND REVIEW OF AGENDA**

Mr. Confer took roll call. Board Members were present.

4. **REVIEW, CONSIDERATION AND APPROVAL OF MINUTES**

- A. May 13, 2006 Regular Board Meeting Minutes
- B. May 13, 2006 Executive Session Meeting Minutes

MOTION: Dr. Steinway made a motion to accept the minutes and Mr. Becke seconded.

VOTE: Motion passed unanimously.

5. **REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855 (E) ONLY.**

- A. Lawrence Cherish, D.O. Case No. 3197B

The Medical Consultant provided a review and summary of the case. Dr. Cherish was present with attorney Steve Meyers. Dr. Cherish was sworn in by the court reporter and answered all questions posed by the Board.

FIRST MOTION: Dr. Steinway made a motion for a Letter of Concern pursuant to A.R.S. §32-1854 (6) & (38). Motion failed due to lack of a second.

SECOND MOTION: Dr. England made a motion to DISMISS. The motion failed due to the lack of a second.

THIRD MOTION: Dr. Steinway made a motion for a Letter of Concern pursuant to A.R.S. §32-1854 (6) & (38). The motion was seconded by Mr. Becke.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	3				X	X		X
NO	1			X				
ABSTAIN	0							
ABSENT	3	X	X				X	

ROLL CALL VOTE: The motion passed 3- 1. Dr. England voted against the motion.

B. Donald Kwasman, D.O. Case No. 3554

The Medical Consultant provided a review of the case. Dr. Kwasman was present with his attorney Kimberly Kent. Dr. Kwasman was sworn in by the court reporter and answered all questions posed by the Board.

MOTION: Dr. Steinway made a motion for a Letter of Concern pursuant to A.R.S. §32-1854 (6) & (38). Dr. England seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4			X	X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X	X				X	

ROLL CALL VOTE: The motion passed unanimously.

C. Donald Kwasman, D.O. Case No. 3610

The Medical Consultant provided a review and summary of the case. Dr. Kwasman was present with attorney Kimberly Kent. Dr. Kwasman was sworn in by the court reporter and answered all questions posed by the Board.

MOTION: Dr. Steinway made a motion for a Letter of Concern pursuant to A.R.S. § 32-1854 (6) & (38), for inadequate documentation and assessment of a patient. In addition, Dr. Kwasman is to complete 6 hours of CME in the area of Pediatric Bariatrics within 6 months. CME is in addition to that normally required and shall be pre-approved by the Executive Director. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
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YES	4			X	X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X	X				X	

ROLL CALL VOTE: The motion passed unanimously.

D. Mark Griswold, D.O. Case No. 3336

The Medical Consultant provided a review and summary of the case. Dr. Griswold was present and sworn in by the court reporter. Dr. Griswold answered all questions posed by the Board.

MOTION: Dr. Steinway moved for DISMISSAL. The motion was seconded by Mr. Becke.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4			X	X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X	X				X	

ROLL CALL VOTE: The motion passed unanimously.

E. Paul Blumberg, D.O. Case No. 3572

The Medical Consultant provided a review of the case. Dr. Blumberg was present with legal counsel and was sworn in by the court reporter. Dr. Blumberg discussed the case with the Board and answered all questions. The complainant was sworn in and addressed the Board.

FIRST MOTION: Dr. Steinway made a motion for a Letter of Concern. The motion failed due to lack of a second.

SECOND MOTION: Mr. Becke made a motion to issue a Letter of Concern pursuant to A.R.S. § 32-1854 (6) & (38) regarding claims and misrepresentations advertised on the doctor's webpage and inadequate informed consent regarding closure of this patient's sutures. Mr. Becke withdrew his concerns pertaining to informed consent. Dr. Steinway seconded the motion as amended.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4			X	X	X		X

NO	0							
ABSTAIN	0							
ABSENT	3	X	X				X	

ROLL CALL VOTE: The motion passed unanimously.

F. Kristen Osiecki, D.O. Case No. 3445

This case was intended to be heard as an investigative hearing. Mr. Smith, the doctor's legal representative, addressed the Board and provided an explanation for Dr. Osiecki's absence.

MOTION: Dr. Cohen made a motion that the matter be **tabled** until the next meeting or until such time as the doctor may attend. Dr. England seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4			X	X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X	X				X	

ROLL CALL VOTE: The motion passed unanimously and the matter was tabled.

G. Carmen Alfonso, D.O. Case No. 3520

A case review was read and provided by the Executive Director. Dr. Alfonso was present with her attorney Kraig Marton. Dr. Alfonso was sworn in by the court reporter and answered all questions posed by the Board.

MOTION: Mr. Becke made a motion for DISMISSAL. Dr. Steinway seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4			X	X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X	X				X	

ROLL CALL VOTE: The motion passed unanimously.

H. J. Kent Bray, D.O. Case No. 3561

Dr. Bray was present and sworn in by the court reporter. The Deputy Director provided a review of the case. Dr. Bray answered questions from the Board.

MOTION: Dr. Steinway made a motion for a DECREE OF CENSURE. Dr. England seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	3			X	X	X		
NO	1							X
ABSTAIN	0							
ABSENT	3	X	X				X	

ROLL CALL VOTE: The motion passed 3-1.

I. William Gabbert, D.O. Case No. 3454

This case was tabled. The Board agreed upon this unanimously.

The Board broke for lunch at 12:15 p.m.
The meeting resumed at 12:50 p.m.

J. Samuel Feinstein, D.O. Case No. 3456M

The Medical Consultant provided a review of the case. Dr. Feinstein was present and was sworn in by the court reporter. Dr. Feinstein discussed the case with the Board and answered all questions.

MOTION: Mr. Becke made a motion for DISMISSAL. Dr. England seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	3			X	X			X
NO	1					X		
ABSTAIN	0							
ABSENT	3	X	X				X	

ROLL CALL VOTE: The motion passed 3-1. Dr. Steinway voted against the motion.

K. POSTPONED
L. POSTPONED
M. POSTPONED

N. Vern Strubeck, D.O. Case No. 3357

The Medical Consultant provided a review of the case. Dr. Strubeck was present and was sworn in by the court reporter. Dr. Strubeck discussed the case with the Board and answered all questions.

MOTION: Dr. Steinway made a motion for a Letter of Concern pursuant to A.R.S. §32-1854 (6) & (38). In addition, Dr. Strubeck is to complete 20 hours of CME in the area of general medical practice within 6 months. The CME shall be in addition to that normally required and shall be pre-approved by the Executive Director. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4			X	X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X	X				X	

ROLL CALL VOTE: The motion passed unanimously.

O. POSTPONED

P. David Berkenbile, D.O. Case No. 3472

A case review was provided by the Medical Consultant. Dr. Berkenbile was present and was sworn in by the court reporter. Dr. Berkenbile answered all questions posed by the Board.

MOTION: Dr. Steinway made a motion to DISMISS this case and to require Dr. Berkenbile to obtain 20 hours of CME in the area of Hormone Replacement Therapy within 6 months. CME shall be in addition to that required and shall be pre-approved by the Executive Director. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4			X	X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X	X				X	

ROLL CALL VOTE: The motion passed unanimously.

6. **REVIEW, CONSIDERATION, AND ACTION ON APPLICATIONS FOR LICENSURE PURSUANT TO A.R.S. §32-1822; PERMITS PURSUANT TO § A.R.S. 32-1829; AND RENEWALS OF LICENSES PURSUANT TO A.R.S. §32-1825 (C-D) AND A.A.C. R4-22-109.**

A. Jana Marjenhoff, D.O.

This case was heard to gain further information regarding Dr. Marjenhoff's application for a Locum Tenens License in Arizona. Dr. Marjenhoff was present and sworn in. Dr. Marjenhoff answered questions from the Board.

MOTION: Dr. Steinway made a motion to **deny** the license based upon review of information provided by Dr. Marjenhoff in her licensing application. Specifically the board reviewed past disciplinary action, current probationary status and possible non-compliance with Iowa's Order. Mr. Becke seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4			X	X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X	X				X	

ROLL CALL VOTE: The motion passed unanimously.

B. Stanley Asbury, D.O.

Dr. Asbury was present along with attorneys, Robert Bohm, and Bo-Bo Myrtle. Dr. Asbury was present and was sworn in and answered the questions of the Board.

MOTION: Dr. Cohen made a motion to **table** the decision on the application pending further assessment and evaluation to be completed and approved by the Executive Director.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4			X	X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X	X				X	

ROLL CALL VOTE: The motion passed unanimously.

7. **REVIEW, DISCUSSION, AND ACTION ON CASE REVIEWS OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT A.R.S. § 32-1855 (C through F).**

A. Myron Licht, D.O. Case No. 3586

MOTION: Dr. Steinway motioned to DISMISS and Dr. England seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4			X	X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X	X				X	

VOTE: The motion passed unanimously.

B. Charles Lindsay, D.O. Case No. 3399

The complainant, EP, was present and addressed the Board.

MOTION: Dr. Steinway motioned to move the case to an Investigative Hearing. Mr. Becke seconded.

VOTE: The motion passed unanimously.

C. James Schlichting, D.O. Case No. 3580

MOTION: Mr. Becke motioned to DISMISS, the motion was seconded by Dr. Steinway.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4			X	X	X		X
NO	0							
ABSTAIN	0							
ABSENT	3	X	X				X	

VOTE: The motion passed unanimously.

D. William Zachow, D.O. Case No. 3498

MOTION: Mr. Becke motioned for an Investigative Hearing, the motion was seconded by Dr. England.

VOTE: The motion passed 3-1. Dr. Steinway voted against the motion.

E. Robert Casey, D.O. Case No. 3499

MOTION: Mr. Becke motioned to DISMISS the case with Dr. Steinway seconding the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4			X	X	X		X
NO	1							
ABSTAIN	0							
ABSENT	3	X	X				X	

VOTE: The motion passed unanimously.

F. Donald Nelson, D.O. Case No. 3461M

MOTION: Dr. Steinway motioned to order Dr. Nelson to obtain 20 hours of CME in the area of breast histopathology. This order is to be included in a Letter of Concern regarding inadequate practice of reading test result films and x-rays. Dr. England seconded the motion.

	Vote	Dr. Reiss	Mr. Grossman	Dr. England	Dr. Cohen	Dr. Steinway	Dr. Wedel	Mr. Becke
YES	4			X	X	X		X
NO	1							
ABSTAIN	0							
ABSENT	3	X	X				X	

VOTE: The motion passed unanimously.

G. David Korn, D.O. Case No. 3650

MOTION: Dr. Steinway motioned to DISMISS the case. The motion was not seconded.

MOTION: Dr. Steinway motioned to refer the case to the Homeopathic Board. Dr. England seconded the motion.

VOTE: The motion passed unanimously.

H. Donald Welch, D.O. Case No. 3730

MOTION: Mr. Becke made a motion for an investigative hearing.

MOTION: Dr. Steinway requested Dr. Welch be questioned and sworn in by the Board. Dr. England seconded the request. Dr. Welch was present, and

sworn in by the acting President of the Board and answered all questions posed by the Board.

MOTION: Dr. Steinway motioned for an Investigative Hearing. Mr. Becke seconded the motion.

VOTE: The motion passed unanimously.

8. EXECUTIVE DIRECTOR REPORT:

9. ARIZONA OSTEOPATHIC BOARD TRAINING ON APPLICABLE ARIZONA STATUTES AND RULES.

Assistant Attorney General Blair Driggs presented a training of applicable statutes and rules that regularly impact the Board and its meetings.

10. ADJOURNMENT.

Dated this 24th day of June, 2006.

Jack Confer, Executive Director